

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Opposition No. 91186154

77/219,055

Top Gun Intellectual Properties, LLC
Opposer

v.

United IP, LLC
Applicant

Trademark Trial and Appeal Board
PO Box 1451
Alexandria, VA 22313-1451

RULE 2.120(a)(1) INITIAL DISCLOSURES OF APPLICANT, UNITED IP, LLC

Pursuant to Trademark Trial and Appeal Board Rule 2.120(a)(1), and without waiving any objections as to the admissibility of any potential evidence identified herein, Applicant, United IP, LLC ("United"), submit the following initial disclosure of witnesses and documents:

A. Witnesses

Based upon their investigation to date of the facts related to this dispute, United hereby discloses the following list of persons likely to have discoverable information that United may use to support their claims or defenses:

Mark Henderson
PO Box 7640
Dallas, TX 75209
214-688-0999
mark.henderson@micrin.com

Carl Henderson
PO Box 7640
Dallas, TX 75209
214-688-0999
carl.henderson@micrin.com

Jim Thiehoff
2014 Industrial Blvd.



12-16-2008

U.S. Patent & TMO/c/TM Mail Rpt Dt. #21

Rockwall, TX 75087
800-504-5684
jim.thiehoff@topgunproducts.com

Ayal Hod
213 Schenck Avenue
Great Neck, NY 11021
718-777-0170
Ahod32@aol.com

B. Documents

Based upon its investigation to date of the facts related to this dispute, Micrin discloses the following list of categories of documents and things and their locations:

1. Documents available online via uspto.gov:

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun Leather Live It... In Leather" (Registration# 2624961); IC 035; Goods & Services: "Retail and wholesale store services featuring leather goods, namely, jackets and shoes, and excluding work gloves, caps and t-shirts."; Filing Date: April 22, 2000; Registration Date: September 24, 2002; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun Leather TGL Live It... In Leather H2O" [Design plus words, letters, and/or numbers] (Registration# 2659385); IC 035; Goods & Services: "Retail and wholesale store services featuring leather goods, namely, jackets and shoes, and excluding work gloves, caps and t-shirts"; Filing Date: April 22, 2000; Registration Date: December 10, 2002; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun" (Registration# 2817325); IC 025; Goods & Services: "Footwear, shoes, sandals; Clothing, namely, leather jackets, sport coats, jeans, sweatshirts, T-shirts, caps, hats, belts, and excluding protective clothing and working gloves"; Filing Date: February 25, 2003; Registration Date: February 24, 2004; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, TDR, and TTAB files for mark "Top Gun" (Registration# 3282403); IC 018; Goods & Services: "Backpacks, rucksacks, satchels, schoolbags, handbags, wallets, luggage, attache cases, tote bags, briefcases, all purpose sport bags, belt bags, travelling trunks and carry-on bags, shoulder bags, garment bags for traveling, keycases"; Filing Date: March 14, 2005; Registration Date: August 21, 2007; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, TDR, and TTAB files for the application for the mark "Top Gun N.Y.C." (Application# 78597583); IC 025; Goods & Services: "Clothing, namely

leather jackets, coats, sweaters, sport and military coats and jackets, shirts, suits, pants, dresses, vests, t-shirts, blazers, raincoats, lingerie, hosiery, blouses, jeans, skirts; swimwear, namely swimsuits, scarves, hats, belts, gloves; footwear, namely shoes, boots, sandals, slippers"; Filing Date: March 29, 2005; Applicant: Hod, Ayal (Abandoned)

Contents of TARR, ASSIGN, TDR, and TTAB files for the application for the mark "Top Gun The Need for Speed" (Application# 78620368); IC 003; Goods & Services: "Eau de toilette; Eau de parfum; skin moisturizer; body massage oil; body wash; soap; deodorants and antiperspirants; talcum powder; conditioning hair shampoo; hair gel; all for men and women"; Filing Date: April 29, 2005; Applicant: Hod, Ayal (Abandoned)

Contents of TARR, ASSIGN, TDR, and TTAB files for the application for the mark "Top Gun The Need for Speed" (Application# 78620332); IC 025; Goods & Services: "Clothing, namely leather jackets, coats, sweaters, sport, racing, motorcycle, and military coats and jackets, shirts, suits, pants, dresses, vests, t-shirts, blazers, raincoats, lingerie, hosiery, blouses, jeans, skirts; swimwear, namely swimsuits, scarves, hats, belts, gloves; footwear, namely shoes, boots, sandals, slippers"; Filing Date: April 29, 2005; Applicant: Hod, Ayal (Abandoned)

Contents of TARR, ASSIGN, TDR, and TTAB files for mark "Top Gun" (Registration# 3285556); IC 009 Goods & Services: "Optical goods, namely, eyeglasses, spectacles, sunglasses, and their lenses, cases, frames and chains"; Filing Date: June 4, 2005; Registration Date: August 28, 2007; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun" (Registration# 3240647); IC 012; Goods & Services: "Vehicle truck parts, namely, truck bumpers, grill mud guards, headache racks, side steps for attachment to trucks, running boards, roll bars, light bars, taillight covers for trucks, luggage racks, bed rails, nerf bars, truck bed storage organizers, racks for trucks for carrying motorcycles, motorized tailgate caps for trucks and tail mud guards"; Filing Date: July 26, 2005; Registration Date: May 8, 2007; Owner: United IP, LLC

Contents of TARR, ASSIGN, TDR, and TTAB files for mark "Top Gun" (Registration# 3297277); IC 035; Goods & Services: "Retail and wholesale store services and online retail store services in the fields of clothing, including but not limited to leather jackets, sport coats, jeans, sweatshirts, sweaters, t-shirts; accessories, namely belts, hats, caps, backpacks, rucksacks, satchels, schoolbags, handbags, wallets, tote bags, briefcases, all purpose sport bags, belt bags, shoulder bags, garment bags for traveling, key cases, personal care products, shoes and slippers, home products, leather goods, souvenir items, including watches and gift sets, and excluding protective clothing and working gloves"; Filing Date: August 1, 2005; Registration Date: September 25, 2007; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, TDR and TTAB files for mark "Top Gun" (Registration# 3285615); IC 003; Goods & Services: "Eau de toilette; Eau de parfum; skin moisturizer; body massage oil; body wash; soap; deodorants and antiperspirants; talcum powder;

conditioning hair shampoo; hair gel; all for men and women"; Filing Date: August 1, 2005; Registration Date: August 28, 2007; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun" (Registration# 3372478); IC 016; Goods & Services: "Calendars; Desk calendars; Stickers; Posters; Daily planners; Personal organizers; Coasters made of paper; Pen or pencil holders; Diaries; Paper bags; Paper stationery"; Filing Date: May 21, 2007; Registration Date: January 22, 2008; Owner: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77204917); IC 024; Goods & Services: "Bath sheets; Bed sheets; Contour sheets; Pillow cases; Pillow shams; Towels; Comforters; Bed blankets; Bed skirts; Bed spreads; Blanket throws; Duvets; Table cloths not of paper; Table linen; Table mats not of paper; Curtains; Draperies"; Filing Date: June 13, 2007; Applicant: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77204938); IC 020; Goods & Services: "Furniture; Living room furniture; Office furniture; Outdoor furniture; Computer furniture; Seating furniture; Bedroom furniture"; Filing Date: June 13, 2007; Applicant: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for mark "Top Gun" (Registration# 3282403); IC 006; Goods & Services: "Metal tool boxes"; Filing Date: June 29, 2007; Registration Date: October 14, 2008; Owner: United IP, LLC

Contents of TARR, ASSIGN, TDR, and TTAB files for the application for the mark "Top Gun" (Application# 77219055); IC 028; Goods & Services: "Toy vehicles and accessories therefor; Toy action figures and accessories therefor"; Filing Date: June 29, 2007; Applicant: United IP, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77219590); IC 008; Goods & Services: "Hand tools, namely, screwdrivers; Manually operated hand tools, namely, lifting and installation tools for motor vehicle replacement bumpers and grill guards"; Filing Date: June 29, 2007; Applicant: United IP, LLC

Contents of TARR, ASSIGN, TDR and TTAB files for the application for the mark "Top Gun" (Application# 77229573); IC 028; Goods & Services: "Teddy bears; Toy airplanes; Scale model airplanes"; Filing Date: July 13, 2007; Applicant: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77229494); IC 012; Goods & Services: "Cars; Trucks; Motorcycles"; Filing Date: July 13, 2007; Applicant: Top Gun Intellectual Properties, LLC
(Abandoned)

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77346187); IC 043; Goods & Services: "Cafe and restaurant services; Carry-out restaurants; Delicatessens; Fast food and non-stop restaurant services; Fast-food restaurants and snackbars; Restaurant and catering services; Restaurants featuring home delivery; Self service restaurants; Take-out restaurant services; Hotel, restaurant and bar services"; Filing Date: December 6, 2007; Applicant: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77369576); IC 009; Goods & Services: "Televisions; DVD recording apparatus; Digital video recorders; Global positioning system (GPS); Cellular telephones; Cordless telephones; Cameras; Personal stereos; Stereo tuners; Computer monitors; Computers"; Filing Date: January 11, 2008; Applicant: Top Gun Intellectual Properties, LLC

Contents of TARR, ASSIGN, and TDR files for the application for the mark "Top Gun" (Application# 77604368); IC 012; Goods & Services: "Motorcycles"; Filing Date: October 30, 2008; Applicant: Top Gun Intellectual Properties, LLC

2. Documents likely located at the offices of:

Top Gun Intellectual Properties, LLC
31-65 Steinway St.
Astoria, NY 11103

Documents related to the preparation, filing, and prosecution of the "Top Gun Leather Live It... In Leather" (Registration# 2624961) mark.

Documents related to the preparation, filing, and prosecution of the "Top Gun Leather TGL Live It... In Leather H2O" (Registration# 2659385) mark.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Registration# 2817325) mark.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun" (Registration# 3282403) mark.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun N.Y.C." (Application# 78597583) application.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun The Need for Speed" (Application# 78620368) application.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun The Need for Speed" (Application# 78620332) application.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun" (Registration# 3285556) mark.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Registration# 3297277) mark.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun" (Registration# 3285615) mark.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Registration# 3372478) mark.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77204917) application.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77204938) application.

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun" (Application# 77229573) application.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77229494) application.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77346187) application.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77369576) application.

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Application# 77604368) application.

3. Documents located at the offices of:

United IP, LLC
3403 E John W Carpenter Freeway
Irving TX, 75062

Documents related to the preparation, filing, and prosecution of the "Top Gun" (Registration# 3282403) mark. UIP

Documents related to the preparation, filing, prosecution and TTAB proceedings for the "Top Gun" (Application# 77219055) application. UIP

Documents related to the preparation, filing, and prosecution of the "Top Gun"
(Application# 77219590) application. UIP

Documents related to the preparation, filing, and prosecution of the "Top Gun"
(Registration# 3240647) mark. UIP

E. Supplementation

Because discovery in this matter is ongoing, United has not yet concluded its investigation, and are continuing its diligent search for responsive information. Accordingly, these initial disclosures are made without prejudice to United's right to change or supplement its responses and to introduce at trial additional evidence and documents as warranted by the development of facts underlying this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Carl Henderson', with a long horizontal flourish extending to the right.

J. Carl Henderson
Director of Legal Affairs
United IP, LLC

Dated: December 12, 2008

Service with sufficient postage as Certified Mail in an envelope addressed to:

US Patent & Trademark Office
Trademark Trial & Appeal Board
PO Box 1451
Alexandria, VA 22313-1451

on December 12th, 2008.

A copy has also been served on the Opposer on the same date via Certified Mail.

A handwritten signature in black ink, appearing to read 'J. Carl Henderson', with a long horizontal flourish extending to the right.

J. Carl Henderson
Director of Legal Affairs
United IP, LLC

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Certified Mail in an envelope addressed to:

Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022
Attn: Michael Sarney

on December 12th, 2008.

A copy has also been provided to the USPTO on the same date via Certified Mail.

A handwritten signature in dark ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

J. Carl Henderson
Director of Legal Affairs
United IP, LLC